

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mac Muir	Team: Squad #6	CCRB Case #: 202003525	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 05/22/2020 12:08 AM	Location of Incident: Front of § 87(2)(b)	Precinct: 43	18 Mo. SOL 11/22/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 05/22/2020 9:20 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 05/22/2020 9:20 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Satinderpa Singh	31966	955500	043 PCT
2. POM Francis Pinales	14791	946121	043 PCT
3. POM Tomor Berisha	10417	953678	043 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Hon Ip	14313	956764	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Tomor Berisha	Abuse: Police Officer Tomor Berisha stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.POM Tomor Berisha	Abuse: Police Officer Tomor Berisha frisked § 87(2)(b)	
C.POM Tomor Berisha	Abuse: Police Officer Tomor Berisha searched § 87(2)(b)	
D.POM Tomor Berisha	Abuse: Police Officer Tomor Berisha threatened to seize § 87(2)(b) property.	
E.POM Tomor Berisha	Abuse: Police Officer Tomor Berisha refused to provide his shield number to § 87(2)(b)	
F.POM Francis Pinales	Abuse: Police Officer Francis Pinales refused to provide his shield number to § 87(2)(b)	
G.POM Satinderpa Singh	Abuse: Police Officer Satinderpa Singh refused to provide his shield number to § 87(2)(b)	
H.POM Satinderpa Singh	Abuse: Police Officer Satinderpa Singh refused to provide his shield number to § 87(2)(b)	
I.POM Tomor Berisha	Abuse: Police Officer Tomor Berisha searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
J.POM Tomor Berisha	Abuse: Police Officer Tomor Berisha interfered with § 87(2)(b) use of a recording device.	
K.POM Tomor Berisha	Abuse: Police Officer Tomor Berisha frisked § 87(2)(b)	
L.POM Tomor Berisha	Abuse: Police Officer Tomor Berisha searched § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
M.POM Satinderpa Singh	Abuse: Police Officer Satinderpa Singh frisked § 87(2)(b)	
N.POM Satinderpa Singh	Abuse: Police Officer Satinderpa Singh searched § 87(2)(b)	
O.POM Satinderpa Singh	Force: Police Officer Satinderpa Singh used physical force against § 87(2)(b)	
P.POM Satinderpa Singh	Abuse: Police Officer Satinderpa Singh threatened § 87(2)(b) with the use of force.	
Q.POM Satinderpa Singh	Abuse: Police Officer Satinderpa Singh frisked § 87(2)(b)	
R.POM Satinderpa Singh	Abuse: Police Officer Satinderpa Singh searched § 87(2)(b)	
S.POM Tomor Berisha	Abuse: Police Officer Tomor Berisha failed to provide § 87(2)(b) with a business card.	
T.POM Tomor Berisha	Abuse: Police Officer Tomor Berisha failed to provide § 87(2)(b) with a business card.	
U.POM Tomor Berisha	Abuse: Police Officer Tomor Berisha failed to provide § 87(2)(b) with a business card.	
V.POM Tomor Berisha	Abuse: Police Officer Tomor Berisha failed to provide § 87(2)(b) with a business card.	
W.POM Satinderpa Singh	Abuse: Police Officer Satinderpa Singh failed to provide § 87(2)(b) with a business card.	
X.POM Satinderpa Singh	Abuse: Police Officer Satinderpa Singh failed to provide § 87(2)(b) with a business card.	
Y.POM Satinderpa Singh	Abuse: Police Officer Satinderpa Singh failed to provide § 87(2)(b) with a business card.	
Z.POM Satinderpa Singh	Abuse: Police Officer Satinderpa Singh failed to provide § 87(2)(b) with a business card.	
2A.POM Francis Pinales	Abuse: Police Officer Francis Pinales failed to provide § 87(2)(b) with a business card.	
2B.POM Francis Pinales	Abuse: Police Officer Francis Pinales failed to provide § 87(2)(b) with a business card.	
2C.POM Francis Pinales	Abuse: Police Officer Francis Pinales failed to provide § 87(2)(b) with a business card.	
2D.POM Francis Pinales	Abuse: Police Officer Francis Pinales failed to provide § 87(2)(b) with a business card.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On May 22, 2020, § 87(2)(b) submitted this complaint via the CCRB website.

On May 22, 2020, at 12:08 a.m., § 87(2)(b) was in a double-parked vehicle with his friends § 87(2)(b) and § 87(2)(b) at § 87(2)(b) in the Bronx. PO Tomor Berisha, PO Satinderpa Singh, and PO Francis Pinales of the 43rd Precinct pulled behind the vehicle. The officers approached, and PO Berisha asked § 87(2)(b) the driver, for his license and to step out of the vehicle (**Allegation A: Abuse of Authority:** § 87(2)(g) PO Berisha frisked and searched § 87(2)(b) (**Allegations B and C: Abuse of Authority:** § 87(2)(g) PO Berisha told § 87(2)(b) that the officers might take his vehicle (**Allegation D: Abuse of Authority:** § 87(2)(g) § 87(2)(b) requested PO Berisha, PO Pinales, and PO Singh's shield numbers, which they did not provide (**Allegations E, F, and G: Abuse of Authority:** § 87(2)(g) § 87(2)(b) requested PO Singh's shield number, and he did not provide it (**Allegation H: Abuse of Authority:** § 87(2)(g) As § 87(2)(b) used his cell phone to record, PO Berisha reached into the vehicle and pushed it away (**Allegation I: Abuse of Authority:** § 87(2)(g) (**Allegation J: Abuse of Authority:** § 87(2)(g) PO Berisha frisked and searched § 87(2)(b) (**Allegations K and L: Abuse of Authority:** § 87(2)(g) PO Singh frisked and searched § 87(2)(b) (**Allegations M and N: Abuse of Authority:** § 87(2)(g) PO Singh bent § 87(2)(b) arm backward and repeatedly told him to get out of the vehicle (**Allegation O: Force:** § 87(2)(g) PO Berisha told § 87(2)(b) to put his phone away (**within Allegation J**). PO Singh told § 87(2)(b) that he did not want to have to use his Taser (**Allegation P: Abuse of Authority:** § 87(2)(g) § 87(2)(b) stepped out of the vehicle, and PO Singh frisked and searched him (**Allegations Q and R: Abuse of Authority:** § 87(2)(g) PO Berisha searched throughout the vehicle (**within Allegation I**) and the officers left without issuing summonses or making arrests. PO Berisha, PO Singh, and PO Pinales failed to provide RTKA cards (**Allegations S – AD: Abuse of Authority:** § 87(2)(g)

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BWC footage was obtained from the NYPD Legal Bureau (BR 01-06). Cell phone footage was obtained from § 87(2)(b) (BR 07). No surveillance footage was obtained.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Tomor Berisha stopped the vehicle in which

§ 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) were occupants.

It is undisputed that PO Berisha pulled behind a double-parked vehicle in front of § 87(2)(b) in the Bronx in which § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) were occupants. PO Berisha, PO Singh, and PO Pinales approached the vehicle.

PO Berisha's BWC (BR 06), beginning at 0:10, showed him driving a police vehicle. He parked behind a double-parked vehicle that had its hazard lights flashing and approached the front driver side. He asked § 87(2)(b) to wind down the windows and asked for his driver license.

§ 87(2)(b) testified that he was the rear passenger in a vehicle that was double-parked at § 87(2)(b) when a police vehicle pulled behind them and three officers approached

No person shall leave their vehicle stopped at the edge or curb of the street except to avoid conflict

with other traffic or when in compliance with the law, the directions of a police officer, or an official traffic control device. New York VTL §1202 (a) (1) (a) (BR 08).

§ 87(2)(g)

Allegation B – Abuse of Authority: Police Officer Tomor Berisha frisked § 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Tomor Berisha searched § 87(2)(b)

Allegation D – Abuse of Authority: Police Officer Tomor Berisha threatened to seize § 87(2)(b) property.

Allegation I – Abuse of Authority: Police Officer Tomor Berisha searched the vehicle in which § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) were occupants.

Allegation K – Abuse of Authority: Police Officer Tomor Berisha frisked § 87(2)(b)

Allegation L – Abuse of Authority: Police Officer Tomor Berisha searched § 87(2)(b)

Allegation M – Abuse of Authority: Police Officer Satinderpa Singh frisked § 87(2)(b)

Allegation N – Abuse of Authority: Police Officer Satinderpa Singh searched § 87(2)(b)

Allegation Q – Abuse of Authority: Police Officer Satinderpa Singh frisked § 87(2)(b)

Allegation R – Abuse of Authority: Police Officer Satinderpa Singh searched § 87(2)(b)

PO Berisha's BWC (BR 06), beginning at 0:40, showed him request § 87(2)(b) identification and ask who owned the vehicle. § 87(2)(b) answered as § 87(2)(b) asked why they were being stopped. PO Berisha told § 87(2)(b) to stop interjecting, and asked § 87(2)(b) to step out of the vehicle. When § 87(2)(b) stepped out, PO Berisha told him to keep his hands up, and asked if there was marijuana in the car. § 87(2)(b) replied that there was not. PO Berisha asked, "You guys smoke weed?" § 87(2)(b) replied, "Yeah." PO Berisha said something indistinguishable then added, "Is there any more?" § 87(2)(b) replied, "No." § 87(2)(b) asked why PO Berisha was searching § 87(2)(b) PO Berisha appeared to pat § 87(2)(b) down. § 87(2)(b) and § 87(2)(b) yelled at the officers, and PO Berisha told § 87(2)(b) "Tell your boys, bro. It's gonna be bad. We're gonna take the car, or you're gonna be in cuffs." PO Berisha instructed § 87(2)(b) to place his hands behind his back, adding that he was not under arrest. PO Berisha walked § 87(2)(b) to the back of the vehicle, returned to the front driver seat, reached inside, and withdrew the car keys and a yellow cylindrical container with bright red lettering. He asked § 87(2)(b) to step out. He patted § 87(2)(b) and searched through his left pocket. At 9:35 into the video, PO Berisha searched the front driver side of the vehicle and unscrewed a cylindrical object. He told § 87(2)(b) that there were "roaches" and "baggies" inside the vehicle. At 14:20, PO Berisha returned § 87(2)(b) identification and said, "I'm gonna let you go with a warning with the weed, alright?"

PO Singh's BWC (BR 05), beginning at 3:00, showed him ask § 87(2)(b) to step out of the vehicle. PO Singh patted up and down § 87(2)(b) body. It was too dark to tell whether he reached into § 87(2)(b) pockets.

§ 87(2)(b) provided cell phone footage (BR 07), beginning at 0:30, showed him lean into the front driver seat and point his camera at PO Berisha, who reached into the vehicle toward § 87(2)(b) phone.

§ 87(2)(b) testified that PO Berisha instructed § 87(2)(b) to exit the vehicle. He placed both hands at § 87(2)(b) armpits and patted from up and down his arms. PO Berisha

continued to pat § 87(2)(b) chest, back, and waistline. PO Berisha reached into each of § 87(2)(b) three pants pockets – two on the sides and one in the back. There was nothing in his pockets. PO Berisha touched § 87(2)(b) groin area, then patted all the way down his body. There was an ashtray in the vehicle that was normally used for cigarettes but may, at some point, have been used for marijuana. It did not have any butts or residue on it. No one had smoked inside the vehicle or smelled like marijuana.

§ 87(2)(b) testified that an officer told § 87(2)(b) to get out of the vehicle, placed him into handcuffs, and patted him down by tapping and grabbing his pockets.

§ 87(2)(b) declined to participate in this complaint. § 87(2)(b) was not available.

PO Berisha testified that he smelled marijuana when he first approached the vehicle. § 87(2)(b) said that he and the other occupants of the vehicle smoked marijuana. PO Berisha patted down § 87(2)(b) searched inside his pockets, and searched throughout the vehicle because he smelled marijuana. PO Berisha found a marijuana grinder and bags that would normally contain marijuana, which contained marijuana residue.

Aside from BWC footage, there is no evidence of police documentation associated with this incident.

PO Singh testified that he smelled marijuana when he was next to the vehicle. He saw a marijuana grinder in front of the vehicle but did not remember when or from where it was recovered. Officers frisked everyone in the vehicle. PO Pinales' testimony was consistent with PO Berisha and PO Singh's accounts.

When officers stop a moving vehicle and detect the odor of marijuana emanating from that vehicle, they may conduct a warrantless search of that vehicle and its occupants. People v. Chestnut, 36 N.Y.2d 971 (1975) (BR 09). A person in the driver seat of a vehicle observed to be in possession of marijuana may be arrested. Patrol Guide Procedure 209-38 (BR 10). During an arrest, officers may safeguard a vehicle if appropriate. Patrol Guide Procedure 208-03 (BR 11).

As PO Berisha threatened to place § 87(2)(b) into handcuffs and then, shortly thereafter, placed him into handcuffs, no threat of arrest allegation is pleaded in regards.

PO Berisha testified that he smelled marijuana and found a marijuana grinder. His BWC showed him hold a cylinder that appeared to be a marijuana grinder, and he said, ““You guys smoke weed?” He told § 87(2)(b) that there were “roaches” and “baggies” inside the vehicle, and said, “I’m gonna let you go with a warning with the weed, alright?” PO Singh and PO Pinales’ testimony was consistent with PO Berisha’s account. Although § 87(2)(b) denied that the vehicle smelled like marijuana, § 87(2)(g)

§ 87(2)(g) that a marijuana grinder was recovered inside. § 87(2)(g)
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§ 87(2)(g) As PO Berisha would have been permitted to

safeguard the vehicle if he had arrested § 87(2)(b) for possession of marijuana. § 87(2)(g)

Allegation E – Abuse of Authority: Police Officer Tomor Berisha refused to provide his shield number to § 87(2)(b)

Allegation F – Abuse of Authority: Police Officer Francis Pinales refused to provide his shield number to § 87(2)(b)

Allegation G – Abuse of Authority: Police Officer Satinderpa Singh refused to provide his shield number to § 87(2)(b)

Allegation H – Abuse of Authority: Police Officer Satinderpa Singh refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) cell phone footage (BR 07), beginning at 0:20, showed him point his cell phone at PO Berisha, then PO Pinales, then PO Singh. As he pointed his camera, § 87(2)(b) § 87(2)(b) and § 87(2)(b) said, “Let me see your badge.” Although § 87(2)(b) was not depicted, it sounded as though he clearly said, “Let me see your badge” to each officer as he pointed his camera at them. Civilians in the vehicle said, “Let me see your badge” nine times over the span of 20 seconds, but it was not clear which requests came from § 87(2)(b) or § 87(2)(b) or to whom, aside from with § 87(2)(b) requests, each request was directed. None of the officers provided their shield numbers, and their shields were not visible.

PO Berisha’s BWC (BR 06), beginning at 1:30, and PO Pinales’ BWC (BR 0X), beginning at 1:20, corroborated § 87(2)(b) video but did not depict the occupants of the vehicle as they made each request. At 5:15 into the recording, § 87(2)(b) said to another officer, “I asked him for his badge. He can’t tell me that.” He pointed at PO Berisha, who replied, “You never asked me for the badge.” § 87(2)(b) replied, “I asked you for your badge, bro.” PO Berisha was silent, then said, “Put your phone away.”

PO Singh’s BWC (BR 05), beginning at 1:20, captured the audio of civilians in the vehicle saying, “Let me see your badge number.” His camera did not capture the inside of the vehicle. At 1:25, § 87(2)(b) § 87(2)(b) leaned out of the vehicle with his cell phone, pointed the screen toward PO Singh, and said, “Let me your badge number” or “Let me see y’all badge number.” PO Singh replied, “Stop. It’s out here.” § 87(2)(b) repositioned the phone in front of PO Singh as he appeared to be recording and said, “Let me see your badge number.” PO Singh replied, “It’s out here” a second time.

§ 87(2)(b) testified that while he recorded the officers from the rear passenger side of the vehicle, he moved his phone toward each officer and asked them for their shield number. § 87(2)(b) and § 87(2)(b) asked for officers’ shield numbers as well, but he did not hear where their requests were directed. None of the officers’ shield numbers were visible, and they did not respond to any requests.

§ 87(2)(b) did not testify as to whether he requested officers’ shield numbers. § 87(2)(b) declined to participate in this complaint. § 87(2)(b) was not available.

PO Berisha did not remember any civilians requesting his name or shield number over the course of this incident. He was presented with BWC footage of this incident, but based on the footage, he was unable to tell whether the requests had been directed toward him.

PO Singh did not remember if any civilians requested his name. He was presented with § 87(2)(b) cell phone footage, but it did not refresh his recollection as to whether anyone requested his name or shield number.

PO Pinales did not remember if anyone requested his shield number. When presented with the BWC footage, he stated that the requests for officers' shield numbers were directed toward PO Berisha or PO Singh, not him.

Officers must courteously and clearly state their rank, name, shield number and command, or otherwise provide them, to anyone who requests they do so. Patrol Guide Procedure 203-09 (BR 12).

As § 87(2)(b) cell phone footage captured him requesting each officer's shield number, and PO Singh's BWC footage captured § 87(2)(b) requesting PO Singh's own shield number, the investigation was able to determine that § 87(2)(b) directed individual requests to PO Berisha, PO Pinales, and PO Singh, and that § 87(2)(b) directed at least one request to PO Singh. Although the footage captured the sound of people inside the vehicle saying, "Let me see your badge number" five additional times, the investigation could not determine which civilians these requests were from, which officer each request was directed toward, or whether the requests were simply § 87(2)(b) or § 87(2)(b) repeating themselves. Therefore, only the four requests that were clearly captured on video are pleaded.

§ 87(2)(g)

Allegation J – Abuse of Authority: Police Officer Tomor Berisha interfered with § 87(2)(b) use of a recording device.

§ 87(2)(b) cell phone footage (BR 07), beginning at 0:30, showed that after he requested each officers' shield number, he leaned toward the front driver seat and pointed his camera at PO Berisha, who was touching § 87(2)(b) jacket pocket. PO Berisha reached out toward the camera, stretched his arm into the vehicle, and the camera moved to the right and backward toward the center of the vehicle. § 87(2)(b) moved back into the backseat and repeatedly asked, "Why you touching my phone [sic]?" PO Berisha said, "Get that out of my face, bro." From 2:40 to 4:20, while § 87(2)(b) stood at the back of the vehicle, PO Berisha repeatedly told § 87(2)(b) to put his phone in his pocket.

PO Berisha's BWC (BR 06), beginning at 1:40, captured PO Berisha say, "Get out of my face, bro," and § 87(2)(b) yell, "Why you touching my phone [sic]?" It did not capture whether he touched § 87(2)(b) phone because his camera was angled toward § 87(2)(b). At 3:50, PO Berisha told § 87(2)(b) to put his phone in his pocket, adding, "You can keep recording, just put it in your pocket." § 87(2)(b) put his phone on the ground instead. PO Berisha repeatedly told § 87(2)(b) to put the phone in his pocket. At 4:20, as § 87(2)(b) recorded PO Singh using force against § 87(2)(b), PO Berisha told § 87(2)(b) to put the phone in his pocket. At 5:15, § 87(2)(b) told another officer that § 87(2)(b) asked PO Berisha for his shield number, and he had not provided it. PO Berisha denied that § 87(2)(b) had requested his shield number, then told § 87(2)(b) to put his phone in his pocket again.

§ 87(2)(b) testified that while sitting in the rear passenger side of the vehicle, he leaned into the front seat to record more clearly. While he pointed the camera at PO Berisha, he repeatedly asked PO Berisha for his badge number. PO Berisha reached out and slapped § 87(2)(b) phone. § 87(2)(b) held onto it and continued to record.

PO Berisha testified that he did not remember putting his hand over a video recording device. He was presented with § 87(2)(b) cell phone footage from 0:00 to 0:38 and he testified that he

could did not know whether he was depicted. He “could not tell” whether he was the officer depicted in the footage. The rest of the video footage did not refresh his recollection of the incident.

PO Singh did not remember if anyone recorded, or if any officers asked civilians to stop recording.

Individuals have a right to lawfully observe and record police activity including, but not limited to, detentions, searches, and arrests. This right extends to individuals in public and private places where the individual has a legal right to be present. Officers may limit an individual’s right to record to protect their own safety, or to when a violation is committed by the individual who is recording. However, officers may not block or obstruct cameras or other recording devices when there is no legitimate law enforcement reason to do so. Patrol Guide Procedure 203-29 (BR 13).

Although PO Berisha testified that he could not tell whether he was depicted in § 87(2)(b) footage, the footage showed him standing at the front driver side window, touching § 87(2)(b) shirt. The footage also showed PO Berisha reach out toward § 87(2)(b) camera. Based on § 87(2)(b) testimony that PO Berisha slapped the phone, and the footage that showed the phone move to the side after PO Berisha reached out, the investigation determined that PO Berisha did move the phone to the side. This prevented § 87(2)(b) from recording PO Berisha as he frisked § 87(2)(b). PO Berisha testified that he did not remember placing his hand over a video recording device, and when presented with § 87(2)(b) footage, he declined to provide testimony about his action, only stating that he was not sure he was depicted, or that the footage did not refresh his recollection. § 87(2)(g)

As PO Berisha did not testify that he had any reason for touching § 87(2)(b) phone or asking him to put his phone away, § 87(2)(g)

§ 87(2)(g)

Allegation O – Force: Police Officer Satinderpa Singh used physical force against § 87(2)(b)

§ 87(2)(b) cell phone footage (BR 07), beginning at 3:05, showed that § 87(2)(b) had placed his phone on the ground and was speaking to PO Berisha and PO Pinales at the back of the vehicle. He suddenly turned back toward PO Singh and § 87(2)(b) who were at the front passenger side of the vehicle, and asked, “What are y’all doing?” § 87(2)(b) picked up his phone and pointed it toward the front passenger side of the vehicle. At 3:18 into the video, PO Singh and PO Pinales appeared to have § 87(2)(b) arm held outside of the window, bent backward. § 87(2)(b) cried out several times, and repeatedly said, “Get off my arm.” § 87(2)(b) and § 87(2)(b) yelled for § 87(2)(b) to get out.

PO Singh’s BWC footage (BR 05), showed that after he frisked § 87(2)(b) he went to the front passenger side of the vehicle and asked § 87(2)(b) if he was going to exit the vehicle. § 87(2)(b) replied that he would not, and asked PO Singh to call his supervisor. PO Singh said he did not want to have to take § 87(2)(b) out of the vehicle. § 87(2)(b) asked why he was being removed and said that there was no reason to do so. PO Singh opened the car door and said he would explain why when § 87(2)(b) stepped out. At 4:05, PO Singh appeared to lean into the vehicle. § 87(2)(b) said, “Chill bro. Get off of me. Bro what are you doing?” § 87(2)(b) yelled out and said, “Get the fuck off my arm bro. Y’all wiling [acting in an extreme manner].” PO Singh repeatedly told § 87(2)(b) to step out. § 87(2)(b) asked PO Singh what was wrong with him. PO Singh appears to hold § 87(2)(b) arm outside of the rear passenger window. PO Singh repeatedly asked § 87(2)(b) if he was going to step out. § 87(2)(b) repeatedly told PO Singh to get off of his arm. § 87(2)(b) yelled for someone to tell PO Singh to let go of his arm. Off screen, an officer who identified himself as a

supervisor told § 87(2)(b) they could speak once § 87(2)(b) got out of the vehicle. § 87(2)(b) repeatedly told PO Singh to get off of him, and at 4:57, that he would get out. PO Singh continued to hold § 87(2)(b) arm and instructed § 87(2)(b) to put his feet outside. At 5:15, PO Singh appeared to let go of § 87(2)(b) arm, and § 87(2)(b) stepped out of the vehicle. He spun § 87(2)(b) around so that he was facing the vehicle, then his BWC fell to the ground and turned off. PO Singh appeared to hold § 87(2)(b) arm for one minute and 15 seconds in total.

A still image at 4:45 into PO Singh's BWC (BR 14) showed § 87(2)(b) arm being bent backward outside of the car door.

PO Pinales' BWC (BR 01), beginning at 3:55, was consistent with PO Singh's footage. PO Berisha's BWC (BR 06), beginning at 4:15, was consistent with PO Singh's footage.

§ 87(2)(b) testified that as he stood at the back of the vehicle, he turned and observed PO Singh and PO Pinales pulling § 87(2)(b) arm out of the open window. PO Singh and PO Pinales pulled § 87(2)(b) arm toward the back of the vehicle so that his hand was almost touching the rear passenger window. § 87(2)(b) screamed as his arm was at an awkward angle. PO Singh and PO Pinales continued to pull § 87(2)(b) arm for approximately fifteen seconds. After this incident, § 87(2)(b) arm swelled up as a result of his arm being pulled this way, but he did not go to the hospital. § 87(2)(b) used his other arm to open the car door, then stepped out of the vehicle. PO Singh and PO Pinales pushed him against the vehicle.

§ 87(2)(b) testified that he did not want to be taken out of the vehicle until a supervisor arrived. An officer arrived and said they were a supervisor. PO Singh grabbed § 87(2)(b) wrist and pulled his arm out of the window while the supervisor was present. It was as if the officer was trying to pull § 87(2)(b) from the front passenger seat through the rear passenger window. This continued for approximately 30 to 45 seconds. This caused § 87(2)(b) arm, from his inner elbow to his shoulder, to become black and blue, and his arm was still in pain. § 87(2)(b) never sought medical attention for this pain.

§ 87(2)(b) declined to participate in this complaint. § 87(2)(b) was not available.

PO Singh did not remember grabbing § 87(2)(b) arm. He was presented with PO Pinales' BWC footage and although he remembered § 87(2)(b) refusing to exit the vehicle, it did not refresh his recollection as to whether he grabbed § 87(2)(b) arm. He did not remember if he pulled § 87(2)(b) arm through the window.

PO Berisha testified that he did not observe PO Singh hold § 87(2)(b) arm out of the rear passenger window. He was presented with PO Pinales' BWC footage, but it did not refresh his recollection of what happened.

PO Pinales testified that he did not see PO Singh pulled § 87(2)(b) arm out of the vehicle window.

No TRI report was prepared regarding this incident. PO Berisha, PO Singh, and PO Pinales failed to make memo book entries regarding this incident (BR 15-17).

In all circumstances any use of force must be reasonable under the circumstances. Members of service are prohibited from using any level of force as punishment. Patrol Guide Procedure 221-01 (BR 18).

§ 87(2)(b) alleged that PO Pinales also grabbed § 87(2)(b) arm. § 87(2)(b) did not make this allegation. PO Pinales' BWC footage shows that after PO Singh grabbed § 87(2)(b) arm and bent

it outside of the vehicle window, PO Pinales ran over and braced § 87(2)(b) arm, keeping it in the same position. Because PO Singh initiated the contact when PO Pinales was not present, and because PO Pinales simply braced § 87(2)(b) arm in the same position PO Singh had placed it in, the investigation pleaded the allegation against PO Singh alone. PO Singh was the officer who undisputedly used the force and, as stated below, did so as a form of punishment.

BWC footage and cell phone footage appeared to show that after § 87(2)(b) said that he would not exit the vehicle until he spoke with a supervisor, PO Singh bent § 87(2)(b) arm backwards out of the front passenger side of the vehicle for one minute and 15 seconds. During this time, § 87(2)(b) repeatedly screamed and asked PO Singh to let go of his arm. When § 87(2)(b) agreed to exit the vehicle, PO Singh held onto his arm until § 87(2)(b) placed both feet outside. § 87(2)(b) and § 87(2)(b) testimony corroborated the video footage. None of the officers denied that PO Singh held § 87(2)(b) arm out of the car window. PO Singh did not remember grabbing § 87(2)(b) arm, and testified that BWC footage did not refresh his recollection. Based on this video evidence and testimony, the investigation determined that PO Singh grabbed § 87(2)(b) arm and intentionally bent his arm backwards, causing pain. Knowing that he was causing pain to § 87(2)(b) PO Singh continued to hold § 87(2)(b) arm backward throughout the time § 87(2)(b) refused to get out of the vehicle. When § 87(2)(b) agreed to get out, PO Singh continued to hold § 87(2)(b) arm in a position that caused him pain for over 15 seconds. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation P – Abuse of Authority: Police Officer Satinderpa Singh threatened § 87(2)(b) with the use of force.

PO Singh's BWC (BR 05), beginning at 4:45, showed that while he held § 87(2)(b) arm outside of the vehicle, he said, "Bro. I don't want to have to Tase you to get out." During that time, § 87(2)(b) repeatedly said he would not get out of the vehicle until he spoke with a supervisor.

PO Singh was presented with PO Pinales' BWC footage, and it did not refresh his recollection of the incident.

No civilian alleged that PO Singh threatened to use a Taser.

A CEW may be used against persons who are actively resisting. Active resisting includes verbal signaling an intention to prevent being taken into custody. Patrol Guide Procedure 221-08 (BR 19).

§ 87(2)(g)

Allegation S – Abuse of Authority: Police Officer Tomor Berisha failed to provide § 87(2)(b) with a business card.

Allegation T – Abuse of Authority: Police Officer Tomor Berisha failed to provide § 87(2)(b) with a business card.

Allegation U – Abuse of Authority: Police Officer Tomor Berisha failed to provide § 87(2)(b)

with a business card.

Allegation V – Abuse of Authority: Police Officer Tomor Berisha failed to provide § 87(2)(b) with a business card.

Allegation W – Abuse of Authority: Police Officer Satinderpa Singh failed to provide § 87(2)(b) with a business card.

Allegation X – Abuse of Authority: Police Officer Satinderpa Singh failed to provide § 87(2)(b) with a business card.

Allegation Y – Abuse of Authority: Police Officer Satinderpa Singh failed to provide § 87(2)(b) with a business card.

Allegation Z – Abuse of Authority: Police Officer Satinderpa Singh failed to provide § 87(2)(b) with a business card.

Allegation AA – Abuse of Authority: Police Officer Francis Pinales failed to provide § 87(2)(b) with a business card.

Allegation AB – Abuse of Authority: Police Officer Francis Pinales failed to provide § 87(2)(b) with a business card.

Allegation AC – Abuse of Authority: Police Officer Francis Pinales failed to provide § 87(2)(b) with a business card.

Allegation AD – Abuse of Authority: Police Officer Francis Pinales failed to provide § 87(2)(b) with a business card.

PO Berisha testified that he did not remember if he carried RTKA business cards during this incident. He was familiar with RTKA cards generally. He did not remember if he provided any individuals with a RTKA card. PO Berisha's understanding was that this was not a situation in which he would be required to provide a business card because there was marijuana in the vehicle, giving the officers probable cause. He did not remember if he learned this in an NYPD training. PO Berisha did not remember if he received a training on when to provide a business card.

PO Singh testified that he normally kept his business cards in his vehicle. He did not remember if he provided any business cards during this incident. He did not believe he was required to provide a business card because this was a 'probable cause' stop regarding the odor of marijuana and not a 'reasonable suspicion' stop. He was trained that this was the rule regarding RTKA cards. He did not remember when.

PO Pinales testified that during this incident he was not carrying a business card because he had run out. He did not believe anyone requested a business card.

According to New York Administrative Code Law 14-174 (b), the meaning of the term 'law enforcement activity' includes: noncustodial questioning of an individual suspected of criminal activity, investigatory questioning of a witness to a crime, frisking an individual, and searching a vehicle. During a law enforcement activity, an officer shall offer a business card at the conclusion of such activity that does not result in an arrest or summons (BR 20).

By stopping a vehicle, searching the occupants, and searching a vehicle, PO Berisha, PO Singh, and PO Pinales all participated in a law enforcement activity as per the Administrative Code. None of them offered a business card at the conclusion of this incident as required.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) have been a party.
- PO Berisha has been a member of service for nine years and has been a subject in four CCRB complaints and seven allegations, of which one was substantiated.
 - § 87(2)(g)
- PO Singh has been a member of service for eight years and has been a subject in three CCRB complaints and 10 allegations, of which one was substantiated.
 - Case #201805295 involved a substantiated discourtesy allegation against PO Singh. The Board recommended Formalized Training and the NYPD imposed no penalty.
- PO Pinales has been a member of service for 14 years and has been a subject in three CCRB complaints and nine allegations, one of which was substantiated.
 - Case #201902317 involved a substantiated strip-search allegation against PO Pinales. The Board recommended Charges and the NYPD has not yet imposed discipline.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of March 8, 2021, the NYC Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (BR 25).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad 6

Investigator: Mac Muir Supervising Investigator Muir 01.18.22

CCRB Case # 202003525

	Signature	Print Title & Name	Date
Squad Leader:	Jessica Peña	IM Jessica Peña	3/16/2022
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date